

ASSEMBLY BILL

No. 1020

Introduced by Assembly Members Emmerson and Ma

February 27, 2009

An act to add Section 116064.1 to the Health and Safety Code, relating to swimming pools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1020, as introduced, Emmerson. Public swimming pools: anti-entrapment devices and systems.

Under existing law, public wading pools, as defined, are required to equip drain suction outlets with specified anti-entrapment grates to prevent physical entrapment of the bathers. Under existing law, the Swimming Pool Safety Act, public swimming pools are exempted from that act's requirements that newly constructed pools be equipped with specified safety features, including anti-entrapment grates for drain suction outlets.

This bill would require a public swimming pool, as defined, to be equipped with anti-entrapment devices or systems that meet federal requirements. It would also require a public swimming pool with a single main drain that is not an unblockable drain to meet at least one of the specified requirements. It would impose time frames by which the requirements of the bill must be met. Violation of these requirements would constitute a misdemeanor. By creating a new crime, the bill would impose a state-mandated local program.

By imposing new duties on local building officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 116064.1 is added to the Health and
- 2 Safety Code, to read:
- 3 116064.1. (a) As used in this section, the following words
- 4 have the following meanings:
- 5 (1) "ASME/ANSI performance standard" means a standard that
- 6 is accredited by the American National Standards Institute and
- 7 published by the American Society of Mechanical Engineers.
- 8 (2) "ASTM performance standard" means a standard that is
- 9 developed and published by ASTM International.
- 10 (3) "Main drain" means a submerged suction outlet typically
- 11 located at the bottom of a swimming pool that conducts water to
- 12 a recirculating pump.
- 13 (4) "Public swimming pool" means any outdoor or indoor
- 14 structure intended for swimming or recreational bathing that is
- 15 open to the public generally, whether for a fee or free of charge,
- 16 open exclusively to members of an organization and their guests,
- 17 residents of a multiunit apartment building, apartment complex,
- 18 residential real estate development, or other multifamily residential
- 19 area, or patrons of a hotel or other public accommodations facility.
- 20 (5) "Safety vacuum release system" means a vacuum release
- 21 system that ceases operation of the pump, reverses the circulation
- 22 flow, or otherwise provides a vacuum release at a suction outlet
- 23 when a blockage is detected.

1 (6) “Unblockable drain” means a drain of any size and shape
2 that a human body cannot sufficiently block to create a suction
3 entrapment hazard.

4 (b) Subject to subdivisions (d) to (f), inclusive, every public
5 swimming pool shall be equipped with anti-entrapment devices
6 or systems that comply with the requirements of federal law.

7 (c) Subject to subdivisions (d) to (f), inclusive, every public
8 swimming pool with a single main drain that is not an unblockable
9 drain shall be equipped with at least one or more of the following
10 devices or systems that are designed to prevent physical entrapment
11 by pool drains and that meet the federal requirements applicable
12 to that device or system:

13 (1) A safety vacuum release system that has been tested by an
14 independent third party and found to conform to federal
15 requirements.

16 (2) A suction-limiting vent system with a tamper-resistant
17 atmospheric opening.

18 (3) A gravity drainage system that utilizes a collector tank.

19 (4) An automatic pump shut-off system.

20 (5) A device or system that disables the drain.

21 (6) Any other system that is deemed, in accordance with federal
22 law, to be equally effective as, or more effective than, the systems
23 described in paragraphs (1) to (5), inclusive, at preventing or
24 eliminating the risk of injury or death associated with pool drainage
25 systems.

26 (d) Subdivisions (b) and (c) shall apply to every public
27 swimming pool constructed on or after December 19, 2009.

28 (e) Commencing December 19, 2009, whenever a construction
29 permit is issued for the alteration of an existing public swimming
30 pool, that public swimming pool shall be retrofitted so as to be in
31 compliance with this section.

32 (f) A public swimming pool constructed prior to December 19,
33 2009, shall be retrofitted to comply with subdivisions (b) and (c)
34 by no later than December 19, 2011.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution for certain
37 costs that may be incurred by a local agency or school district
38 because, in that regard, this act creates a new crime or infraction,
39 eliminates a crime or infraction, or changes the penalty for a crime
40 or infraction, within the meaning of Section 17556 of the

1 Government Code, or changes the definition of a crime within the
2 meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 However, if the Commission on State Mandates determines that
5 this act contains other costs mandated by the state, reimbursement
6 to local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

9 SEC. 3. This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or safety within
11 the meaning of Article IV of the Constitution and shall go into
12 immediate effect. The facts constituting the necessity are:

13 In order to conform state law with federal requirements for the
14 prevention of drowning, at the earliest possible time, it is necessary
15 that this act take effect immediately.